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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,673	08/14/2001	Mark B. Whipple	020431.0729	3212
53184	7590	09/29/2005		
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234				
			EXAMINER PATEL, ASHOKKUMAR B	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/930,673

Applicant(s)

WHIPPLE ET AL.

Examiner

Ashok B. Patel

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet: (page 2-4).
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY SENIOR EXAMINER
TECHNOLOGY CENTER 2100

Continuation Sheet(PTOL-303)

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b):

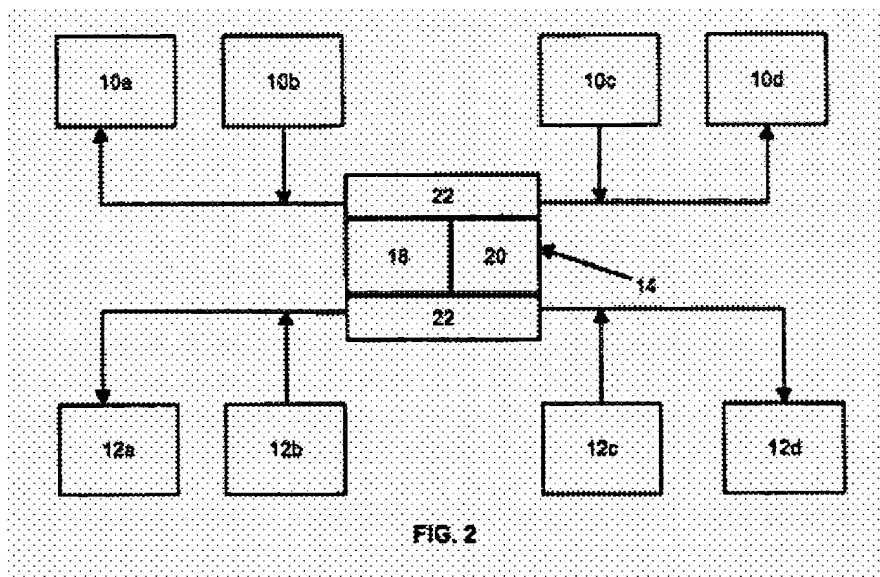
Applicant's argument:

"page fails to disclose each and every limitation of independent claims 1, 14, and 27."

"Further, it is noted that the Office Action provides no concise explanation as to how Page is considered to anticipate all of the limitations in independent claim 1."

Examiner's response:

Page teaches in Fig. 2 and col. 4, 37-41,



"Service broker 14 manages requests by any participant for services provided by some other participant. Service broker 14 provides transparent service links between the clients and servers and allows users to tie together the heterogeneous environment of FIG. 2. Thus, to request a service function, a client issues a call to a subroutine. The subroutine then establishes the link to the local or remote server via the service broker.

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Client requests can be execute synchronously or asynchronously. In the synchronous request, the client process waits for processing of the service before it continues with its own processing. A typical example of synchronous request processing is a data base request. When a client sends a request to a data base server, its own process is stopped until the server delivers the data.

In addition Service broker 14 provides services listed and elucidated in col. 45, line 55 through col. 48, line 54 including translation wherein Page is clear as it states "The broker will automatically invoke a translation routine if available for a particular application."

In addition Page teaches in col. 3, line 36-56," A service broker manages service requests from, and responsive services provided by, a plurality of clients and servers, respectively, which may reside on different hardware platforms and operating systems and may be connected to computer networks having different network architectures and associated communications protocols. The broker manages the service offerings from servers and service requests from clients, and clients and servers communicate and exchange information with one another via the broker. The service broker includes different application programming interfaces for allowing participants to access the functionality of the service broker. An adapter may also be provided as a gateway to convert a foreign communications protocol to the function server protocol to allow applications programs to access the service broker functionality even though they are not compatible with the application program interface and function server protocol of the invention. The broker also provides services such as directory and naming

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services, message queuing, and accounting.” And further including “translation” as stated above.

Thus Page teaches limitations of claim 1, as stated by the Applicant, and that of claims 14 and 27 since each of these claims include limitations similar to claim 1.

Applicant’s argument:

“The Applicants respectfully submit that Page or White either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 2, 13, 15, or 26. The Applicants further submit that Page or Cooper either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 5 or 18. The Applicants still further submit that Page or Gervais either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 8 or 21. Furthermore, the Applicants respectfully submit that Page or Lam either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 9, 11, 12, 22, 24, and 25.”

Examiner’s response:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).